



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT
Division of Economic Support
Bureau of Welfare Initiatives

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
FSET Administrative and Provider Agencies
Child Care Coordinators
W-2 Agencies**

BWSP OPERATIONS MEMO

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Date: 12/08/99

Non W-2 [] W-2 [] CC [X]

PRIORITY: Medium

**FROM: Stephen M. Dow
Program Implementation Team
Policy Analysis and Program Implementation Section**

SUBJECT: CHANGES IN CHILD CARE ADMINISTRATIVE RULES

CROSS REFERENCE: Wisconsin Administrative Rule Chapters DWD 55, 56, and HFS 12.

EFFECTIVE DATE: 12/01/99

PURPOSE

This memo provides copies of the most recent versions of administrative rules DWD 55 (Day Care Certification) and DWD 56 (Administration of Day Care Funds) and identifies changes made to them.

CHAPTER DWD 55 – DAY CARE CERTIFICATION

- The rule provides that county agencies must complete the caregiver background check as identified in Rule HFS 12. This includes following the same requirements for obtaining background information and evaluating the information in accordance with the crimes list created as an attachment to HFS 12. County agencies are required to apply the same standards to certified day care providers as HFS 12 applies to licensed day care centers. The same standards apply to employees, contractors, and nonclient residents.

HFS 12 and additional information regarding the caregiver background check rule can be found at:
<http://www.dhfs.state.wi.us>.

- The rule includes new standards for certified day care to provide that smoking will be prohibited in any indoor or outdoor area in which children are present and to require that the day care provider keep a written record of the daily hours of attendance of each child in care.
- Obsolete rule provisions relating to child care start-up grants are repealed.

CHAPTER DWD 56 -- ADMINISTRATION OF DAY CARE FUNDS

- The rule sets policies for the W-2 child care subsidy fund, including rate-setting, payment methods, parental choice, eligibility redetermination, and recoupment. Cross references to discontinued programs such as AFDC and JOBS are removed and correct references to the current statutes and programs, such as W-2, are added. The rule changes bring the rule in compliance with the discontinuance of the Low Income Child Care funding source and make minor adjustments in policies to come into compliance with new statutes.
- The term "family" has been redefined to have the same meaning as "Wisconsin Works group," as provided with 49.141(1)(s), Stats. With this change, an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent, any nonmarital coparent or spouse of the individual who resides in the same household, and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent will be in the same child care assistance group for purposes of income eligibility and copayment responsibility.
- Under the former rule, child care administrative agencies were directed to recoup overpayments to child care providers, but the rule did not authorize any program sanctions to assist in the recovery of overpayments. The rule now specifically allows a child care administrative agency, after first giving notice, to stop new child care authorizations for or payments to a provider until the provider has corrected a violation of certification or licensing requirement. In the case of the recovery of overpayments, the child care agency is allowed, again after first giving notice, to offset the amount of the overpayment to be recovered against any amount owed to the provider.
- The table of child care copayments in the rule is updated to reflect the most recent revisions that were announced in the Administrative Register of May 1, 1999.

RESOURCES

Attached are DWD 55 and DWD 56. You may request additional copies from Barb Albrecht by mailing, faxing or e-mailing your request to:

Barb Albrecht
DES/Bureau of Division-wide Services
PO Box 7935
Madison WI 53707
Fax: 608-267-3240
Email: albreba@dwd.state.wi.us

These rules are also available via the internet:

- DWD 55 is at <http://www.legis.state.wi.us/rsb/code/dwd/dwd055.pdf>
- DWD 56 is at <http://www.legis.state.wi.us/rsb/code/dwd/dwd056.pdf>